

Attachment 11

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CITY COUNCIL

RESOLUTION NO. (to be filled in)

PLANNED COMMERCIAL DEVELOPMENT/CONDITIONAL USE

PERMIT NO. 99-1341

Amending Planned Industrial/Planned Commercial/Planned Residential/Hillside Review

Permit No. 92-0466

SCRIPPS GATEWAY FREEWAY CENTER

WHEREAS, SHEA HOMES LIMITED PARTNERSHIP, LLC, Owner and SHEA PROPERTIES, Permittee, filed an application with the City of San Diego for a permit to develop two hotels; one four story 137 room hotel and one four story 97 room hotel, one gasoline station/car wash/mini mart, one 5,530 square foot restaurant, one drive-through restaurant totaling 3,200 square feet, 9,000 square feet of retail space, surface parking, a park and ride lot, landscaping and improvements in the public right-of-way (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 99-1341), on portions of a 20.3 acre site and;

WHEREAS, the project site is located on the northern side of Scripps Poway Parkway, east of Interstate 15 in the CC-1-3 (CA) zone of the Miramar Ranch North Community Plan area and;

WHEREAS, the project site is legally described as being a portion of the South Half of the Southeast Quarter of Section 20, in the Township 14 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, and;

WHEREAS, on December 7, 2000, the Planning Commission of the City of San Diego considered Planned Commercial Development/Conditional Use Permit No. 99-1341 pursuant to Sections 101.0910, 101.0510, and 101.0515 of the Municipal Code of the City of San Diego and denied the application; and

WHEREAS, on August 7, 2001, the Council of the City of San Diego considered Planned Commercial Development/Conditional Use Permit No. 99-1341 pursuant to Sections 101.0910, 101.0510, and 101.0515 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego as follows:

That the City Council adopts the following written Findings, dated August 7, 2001.

FINDINGS:

PLANNED COMMERCIAL DEVELOPMENT FINDINGS

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1. The proposed use will fulfill a community need and will not adversely affect the City's Progress Guide and General Plan or the adopted community plan. The proposed project, Scripps Gateway Freeway Center, will provide a benefit to the City of San Diego by developing a commercial project in a neighborhood which anticipates this type of development in the Miramar Ranch North Community Plan. The proposed project will be consistent with the development pattern established by the approved master planned development described as the Scripps Gateway project (Permit No. 92-0466) within the neighborhood. The design of the proposed structures will be compatible in bulk and scale with planned structures within the master planned neighborhood. The proposed project is consistent with the Miramar Ranch North Community Plan. The proposed project will be consistent with the Progress Guide and General Plan and will not cause adverse affects to these policy documents or to the City of San Diego.

2. The proposed use will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other properties in the vicinity. The permit controlling the development and continued use of the commercial development proposed for this site contains conditions addressing the project compliance with the City's Municipal Code and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.

3. The proposed use will fully comply with the relevant regulations of the Municipal Code in effect for this site. Specific conditions of approval require the continued compliance with all relevant regulations of the Municipal Code effective for this site and have been written as such into the permit No. 99-1341. Development of the commercial project shall meet the requirements of the CC-1-3 (CA) zoning development criteria, as allowed through a Planned Commercial Development permit. Concept plans for the project identify all other development criteria in effect for the site.

CONDITIONAL USE FINDINGS FOR SERVICE STATIONS

4. The proposed use will not adversely affect the neighborhood, the General Plan, or the Community Plan, and, if conducted in conformity with the conditions provided by the permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area. The proposed project, Scripps Gateway Freeway Center, will provide a benefit to the City of San Diego by developing a commercial project in a neighborhood which anticipated this type of development in the Miramar Ranch North Community Plan. The proposed project will be consistent with the development pattern established by the approved

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master planned development as described by the Scripps Gateway project (Permit No. 92-0466) within the neighborhood. The design of the proposed structures will be compatible in bulk and scale with planned structures within the master planned neighborhood. The proposed project is consistent with the Miramar Ranch North Community Plan. The proposed project will be consistent with the Progress Guide and General Plan and will not cause adverse affects to these policy documents or to the City of San Diego.

The permit controlling the development and continued use of the commercial development proposed for this site contains conditions addressing the project compliance with the City's Municipal Code and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.

5. The proposed use, will comply with all the relevant regulations in this code. Specific conditions of approval require the continued compliance with all relevant regulations of the Municipal Code effective for this site and have been written as such into the permit No. 99-1341. Development of the commercial project shall meet the requirements of the CA development criteria as allowed through a Planned Commercial Development permit. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project.

CONDITIONAL USE FINDINGS FOR ALCOHOL OUTLETS

6. The proposed use is consistent with the policies, goals and objectives of the applicable Land Use Plan or Local Coastal Program. The proposed retail alcohol sales establishment is consistent with the Miramar Ranch North Community Plan which identifies this site for commercial development through a Planned Commercial Development process. The proposed project will be consistent with the Progress Guide and General Plan and will not cause adverse affects to the continued fair application of these policies or to the City of San Diego.

7. The proposed use will not be detrimental to the health, safety and general welfare of persons living or working in the area. The permit controlling the development and continued use of the commercial development proposed for a retail alcohol sales establishment contains conditions addressing the project compliance with the City's Municipal Code and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the

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continued health, safety and general welfare of persons residing or working in the area. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.

8. The proposed use is consistent with the purpose and intent of the zone. The proposed retail alcohol sales establishment is consistent with the purpose and intent of the CC-1-3 (CA) zone which is to accommodate community and regional shopping centers. The purpose and intent of the CC-1-3 (CA) zone is further to encourage development of this type and to minimize any adverse effects of the center on nearby properties, and to provide for safe and efficient operation of the shopping centers and the retail uses within these centers. The purpose and intent of the CC-1-3 (CA) zone also provides that this zone should be applied only on the basis of comprehensive plans for the community development.

The Scripps Gateway Freeway Center is proposed in the location designated by the master planned project, Scripps Gateway, TM/PID/PCD/PRD/HRP 92-0466, for commercial development. This site is identified as the the major commercial element of the Scripps Gateway project. The Scripps Gateway Freeway Center has been designed to operate in a safe and efficient manner. Pedestrian and vehicular circulation, emergency vehicular access, location of uses, orientation of buildings to enhance security, lighting of the site, and landscaping have all been considered in the design of the site to assure a safe and effective commercial operation. The site is adjacent to the Scripps Gateway Townhomes condominium project, Scripps Poway Parkway (a six lane primary arterial roadway), Interstate 15, and open space owned by the City of San Diego. The proposed use of the site for the intended commercial center will not present a disruptive influence on the adjacent properties. The most sensitive of the adjacent properties, the open space and the condominium project, will have the least active, least intensive uses located nearby, while the most intense and active uses will be located closer to Interstate 15 and Scripps Poway Parkway. The Scripps Gateway Freeway Center is consistent with the regulations of the CA zone, as allowed by the Planned Commercial Development, as required to develop a community commercial development serving a wide area of influence within the City of San Diego.

9. The proposed use, as may be conditioned, is appropriate at this location. The permit controlling the development and continued use of the commercial development proposed for this site contains conditions addressing the project compliance with the City's Municipal Code and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity

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10. The proposed use will serve a public convenience or necessity. The Scripps Gateway master planned project allows for the commercial center which will include hotels, restaurants, and a service station, the residential element which includes the condominium project of 135 dwelling units and the single family element of 309 dwelling units, and an industrial element composed of six lots for manufacturing industrial park development. Persons living or working in the immediate vicinity of the Scripps Gateway project and those living or working within the master planned project will benefit by the convenience of the planned commercial development to provide alcoholic beverages and may benefit due to necessity as there are no other locations in the immediate vicinity permitted to sell alcoholic beverages.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council, Planned Commercial Development/Conditional Use Permit No. 99-1341 is hereby GRANTED by the City Council to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 99-1341, a copy of which is attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By _____
Mary Jo Lanzafame
Deputy City Attorney

Adopted on: (to be filled in)

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